

Introduced by Senator Roth

February 20, 2014

An act to add Section 71760 to the Water Code, relating to drinking water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1130, as introduced, Roth. Drinking water: County Water Company of Riverside water system: liability.

The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Existing law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district.

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, and imposes on the State Department of Public Health various responsibilities and duties. Existing law requires the department to conduct research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, to adopt regulations to implement the California Safe Drinking Water Act, and to enforce provisions of the federal Safe Drinking Water Act.

This bill would exempt the Elsinore Valley Municipal Water District, the Eastern Municipal Water District, and those urban wholesale water suppliers, as defined, providing supplemental imported water supplies to Elsinore Valley Municipal Water District and the Eastern Municipal Water District, from liability for any good faith, reasonable effort to assume possession of, and to operate and supply water to, the County Water Company of Riverside water system prior, during, or for a certain

time after the interim operation period, as specified. This bill would prohibit the immunity from liability from being construed either to relieve the municipal water districts or urban wholesale water suppliers from compliance with drinking water standards or to extend to claims alleging the taking of property without compensation. This bill would require the interim operation period to last until permanent replacement facilities are accepted by the municipal water districts with the concurrence of the department, or December 31, 2015, whichever occurs first. This bill would require the department to extend the interim operation period for up to 2 years at the request of the municipal water districts, as prescribed.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 71760 is added to the Water Code, to
2 read:
3 71760. (a) Elsinore Valley Municipal Water District, Eastern
4 Municipal Water District, and those urban wholesale water
5 suppliers, as defined in subdivision (r) of Section 10608.12,
6 providing supplemental imported water supplies to Elsinore Valley
7 Municipal Water District and the Eastern Municipal Water District
8 shall not be held liable for any good faith, reasonable effort to
9 assume possession of, and to operate and supply water to, the
10 County Water Company of Riverside water system, as follows:
11 (1) Immunity from liability shall exist for claims by past or
12 existing County Water Company of Riverside customers or those
13 consuming water provided through the County Water Company
14 of Riverside water system concerning the operation and supply of
15 water from the County Water Company of Riverside water system
16 during the interim operation period.
17 (2) Immunity from liability shall exist for the following claims,
18 including, but not limited to, claims alleging personal injury,
19 property damage, liability related to water quality, fire flow, and
20 service interruption:
21 (A) All claims brought by existing or past County Water
22 Company of Riverside customers or those claimants consuming

1 water provided through the County Water Company of Riverside
2 water system. The immunity shall extend to all claims concerning
3 the operation of and supply of water from the County Water
4 Company of Riverside water system arising prior to the
5 commencement of the interim operation period.

6 (B) All claims by County Water Company of Riverside
7 customers served by Elsinore Valley Municipal Water District and
8 Eastern Municipal Water District arising within two years after
9 the termination of the interim operation period associated with
10 those portions of the County Water Company of Riverside water
11 system that are retained by Elsinore Valley Municipal Water
12 District and Eastern Municipal Water District as part of the
13 permanent replacement facilities.

14 (b) Immunity from liability pursuant to this section shall not be
15 construed to do either of the following:

16 (1) Relieve Elsinore Valley Municipal Water District, Eastern
17 Municipal Water District, and those urban wholesale water
18 suppliers, defined in subdivision (r) of Section 10608.12, providing
19 supplemental imported water supplies to Elsinore Valley Municipal
20 Water District and the Eastern Municipal Water District from
21 compliance with drinking water standards established pursuant to
22 Chapter 4 (commencing with Section 116275) of Part 12 of
23 Division 104 of the Health and Safety Code.

24 (2) Extend to claims alleging the taking of property without
25 compensation within the meaning of either the Fifth Amendment
26 to the United States Constitution or Section 19 of Article I of the
27 California Constitution.

28 (c) (1) The interim operation period shall commence upon the
29 connection of a temporary potable service pipeline by either
30 Elsinore Valley Municipal Water District or Eastern Municipal
31 Water District to the County Water Company of Riverside water
32 system, or upon the execution of an agreement between Elsinore
33 Valley Municipal Water District, Eastern Municipal Water District,
34 the County Water Company of Riverside, and any other signatories,
35 to provide service to the customers of County Water Company of
36 Riverside, whichever occurs first.

37 (2) (A) Except as provided in subparagraph (B), the interim
38 operation period shall last until permanent replacement facilities
39 are accepted by Elsinore Valley Municipal Water District and
40 Eastern Municipal Water District with the concurrence of the State

1 Department of Public Health, or December 31, 2015, whichever
2 occurs first.

3 (B) The interim operation period shall be extended by the State
4 Department of Public Health for up to two years at the request of
5 Elsinore Valley Municipal Water District and Eastern Municipal
6 Water District based upon evidence of unforeseen circumstances
7 associated with the construction of the permanent replacement
8 facilities.

9 (3) The acceptance date of permanent replacement facilities
10 and the transfer of the County Water Company of Riverside water
11 system and operations to Elsinore Valley Municipal Water District
12 and Eastern Municipal Water District shall be publicly noticed by
13 Elsinore Valley Municipal Water District and Eastern Municipal
14 Water District.

15 (d) The immunity provided by paragraph (1) of subdivision (a)
16 shall be contingent upon Elsinore Valley Municipal Water District,
17 Eastern Municipal Water District, or both, delivering water to the
18 County Water Company of Riverside water system in accordance
19 with the special terms and conditions established by the State
20 Department of Public Health for safe drinking water emergency
21 funding under Section 75021 of the Public Resources Code for the
22 Elsinore Valley Municipal Water District and Eastern Municipal
23 Water District during the interim operation period, including, but
24 not limited to, the following conditions:

25 (1) Water provided by Elsinore Valley Municipal Water District
26 and Eastern Municipal Water District through the temporary
27 potable service pipeline to the County Water Company of Riverside
28 water system shall meet or exceed drinking water standards
29 established pursuant to Chapter 4 (commencing with Section
30 116275) of Part 12 of Division 104 of the Health and Safety Code.

31 (2) Reasonable water system flow and pressure through the
32 temporary potable service pipeline are maintained based upon the
33 condition and integrity of the existing County Water Company of
34 Riverside water system and any disruptions to water delivery
35 resulting from construction related activities associated with the
36 installation of permanent replacement facilities are minimal.

37 (3) Elsinore Valley Municipal Water District and Eastern
38 Municipal Water District shall notify Riverside County fire officials
39 serving the County Water Company of Riverside area of the
40 condition and firefighting support capabilities of the existing

1 County Water Company of Riverside water system and planned
2 improvements with the installation of permanent replacement
3 facilities thereto.

4 SEC. 2. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety within
6 the meaning of Article IV of the Constitution and shall go into
7 immediate effect. The facts constituting the necessity are:

8 In order to provide safe drinking water that is always reliable
9 for current customers of the County Water Company of Riverside
10 at the earliest possible date, it is necessary that this act take effect
11 immediately.